

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MORA,

Plaintiff,

v.

PORTER,

Defendant.

No. C05-04715 MJJ


**ORDER DENYING DEFENDANT'S
REQUEST FOR DISMISSAL FOR
FAILURE TO PROSECUTE AS MOOT**

Before the Court is Defendant John Potter's ("Defendant") August 6, 2007 Request for Dismissal for Failure to Prosecute. (Docket No. 25.) Defendant requests that the Court dismiss this matter because Plaintiff Felice Mora ("Plaintiff") failed to timely respond to the Court's July 23, 2007 Order to Show Cause. Plaintiff did, however, timely file a response to the Court's Order, although Defendants later asserted that they were not properly served with the document. (*See* Related Case 07-2118, Motion to Consolidate Cases, Docket No. 11, at 2 n.2.)

The Court hereby **DENIES** Defendant's Request for Dismissal as moot and **ORDERS** Plaintiff to properly serve Defendant with all future documents as required by Federal Rule of Civil Procedure 5 and Civ. L. R. 5. The Court further sets a status conference in this matter for **February 12, 2008 at 2 p.m.** The parties shall file a joint status statement 10 days prior to the conference.

IT IS SO ORDERED.

Dated: December 4, 2007


MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE